

Atty Dkt No. 098810-0278740

Pat. App. Ser. No. 09/813,463

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Warren, et al.

Group Art Unit: 1653

Serial No.: 09/813,463

Examiner: Olga Chernyshev, Ph.D.

Filed: March 20, 2001

Title: PEPTIDE SPECIFICITY OF ANTI MYELIN BASIC PROTEIN AND THE
ADMINISTRATION OF MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE
SCLEROSIS PATIENTS

PETITION UNDER 37 C.F.R. §1.181(A) TO
WITHDRAW HOLDING OF ABANDONMENT

Certificate of Mailing Under 37 C.F.R. §1.8

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence along with any paper referred
to as being attached is being Mailed to Addressee by service of the
United States Postal Service addressed to Commissioner for Patents,
P.O. Box, 1450, Alexandria, VA 22313-1450

Date: May 24, 2004 By:

Sachiko Y. Snedden

Sir or Madam:

In response to the Notice of Abandonment mailed April 22, 2004, Applicants respectfully
petition to withdraw the holding of abandonment for the above-identified application because a
Response to the Office Action mailed May 29, 2003, was timely filed:

1. On December 1, 2003, Applicant's representative filed a Response to the Office Action
mailed May 29, 2003, and fee and petition for extension of time. The Response with a
petition for a 3 month extension of time was due on December 1, 2003, since
November 29, 2003, fell on a Saturday.
2. A Certificate of Mailing under 37 C.F.R. §1.8 executed by Patricia Munoz indicating that
the Response was filed on December 1, 2003, appears on the first page of the Response, a
copy of which is attached herewith.

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3. Attached is a copy of the postcard receipt for the Response filed December 1, 2003, date stamped on December 4, 2003, by the U.S. Patent and Trademark Office.
4. Applicant's representative also filed via facsimile on April 15, 2004, a Statement of Submission of true copies of the Response filed December 1, 2003, in response to the Examiner's telephone call to the undersigned.

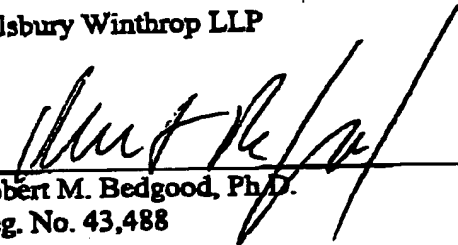
In view of the foregoing evidence indicating that a response to the Office Action mailed May 29, 2003, was timely filed December 1, 2003, Applicants respectfully request that the holding of abandonment for the above-identified application be withdrawn. No fee is due for filing this Petition; however, the Commissioner is hereby authorized to charge any fee that may be due in connection with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-2212.

Respectfully submitted,

Pillsbury Winthrop LLP

Date: May 24, 2004

By


Robert M. Bedgood, Ph.D.
Reg. No. 43,488

Tel. No. (858) 509-4065
Fax No. (858) 509-4010

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PILLSBURY WINTHROP

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Date: July 26, 2004

Must Be Sent By:

To: George Allen

Fax No: (703) 308-6778

Company: USPTO

Phone No: (703) 305-8973

From: Victoria E. Taylor

Phone No: (858) 847-4107

User No: 15049

C/M No: 099750-0211500

Comments:

Dear George,

It is my understanding that there should be no fee due for filing this petition, which was filed in response to a Notice of Abandonment. The Notice was sent in response to a lack of filing a timely Response to Office Action. However, as the petition states, a Response was filed in a timely fashion. Therefore, there should be no fee due, since it is an USPTO error.

Enclosed please find a copy of our deposit account statement (502212) with the charge in question circled. Additionally, a copy of the filing has been enclosed for your convenience.

My fax number is (858) 509-4010 and my direct line is (858) 847-4107, once you have the information I have requested.

Please contact me should you have any questions.

Best regards,

Victoria E. Taylor
Intellectual Property Practice Assistant

cc: Barbara Ziber



Confidentiality Note:

The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

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Deposit Account Statement

Requested Statement Month:

July 2004

Deposit Account Number:

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Name:

PILLSBURY WINTHROP LLP

Attention:

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101 WEST BROADWAY

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92101-8219

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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07/26 26	09805449	051501/02787	1806	\$180.00	\$9,996.00
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858 509 4010

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